

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Rexon Industrial Corporation, Ltd.,

Plaintiff,

V.

Civil Action No.: 04-cv-30180 MAP

Black &amp; Decker, Inc.,

Black & Decker (U.S.), Inc.,

Porter-Cable Corporation, and

Delta International Machinery, Corp.,

Defendants.

Black &amp; Decker, Inc.,

Black & Decker (U.S.), Inc.,

Porter-Cable Corporation, and

Delta International Machinery, Corp.

Plaintiffs-in-Counterclaim,

V.

Rexon Industrial Corporation, Ltd., and

Rexon USA, Corporation

### Defendant-in-Counterclaim.

February 8, 2006

STIPULATED MOTION FOR A SIXTY-DAY STAY OF PROCEEDINGS

Pursuant to Rule 7(b), of the Federal Rules of Civil Procedure, and the Local Rule 7.1, Plaintiffs/Counterclaim-Defendants, Rexion Industrial Corp., Ltd. and Rexion USA, Corporation, (collectively “Rexion”) and Defendants/Counterclaim-Plaintiffs, Black & Decker (U.S.), Inc., Porter-Cable Corporation and Delta International Machinery Corp., (collectively “Black & Decker”) hereby move the Court for a sixty-day stay of the proceedings. As discussed below, the parties are filing the present Motion because they are currently in settlement negotiations that will likely settle all issues in the case without taking up the Court’s valuable time and resources.

1. On September 10, 2004, Rexon filed a complaint against Black & Decker. Rexon filed a first amended complaint against Black & Decker on October 7, 2004. On December 29, 2004, Black & Decker answered Rexon's first amended complaint along with filing Counterclaims against Rexon. On January 21, 2005, Rexon answered Black & Decker's Counterclaims. The Court issued a scheduling order on June 3, 2005, (the "Scheduling Order"). The parties are currently engaged in discovery.

2. Rexon and Black & Decker, however, have recently entered into settlement negotiations and believe that they may settle all issues in the case at a face-to-face settlement meeting currently scheduled for February 22, 2006 in Towson, Maryland, making the continuation of the case a likely waste of resources at this time. As such, the parties request a sixty-day stay of the proceedings to facilitate settlement. The parties have agreed that no discovery shall take place during the sixty-day period of the stay.

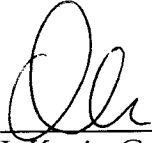
3. Moreover, the parties respectfully request that all dates contained in the Scheduling Order be extended by sixty-days. The parties have attached a proposed schedule with extended dates to this Motion.

4. In addition, the parties request that the date on which Black & Decker must file a response to Rexon's Motion for Protective Order and Alternative Motion to Quash Multiple Subpoenas Served on Rexon Attorneys be extended by sixty-days from Tuesday, February 7, 2006 until Friday, April 7, 2006.

For the reasons stated, the parties respectfully request that this stipulated motion be granted and the Proposed Order entered by the Court.

STIPULATED AND AGREED TO:

On behalf of Plaintiff:



Date: February 8, 2006

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On behalf of Defendant:

/s/ Raymond P. Niro, Jr.

Date: February 8, 2006

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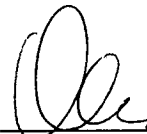
Certificate of Service

I hereby certify that on this 8th day of February, 2006, a true and correct copy of the foregoing "STIPULATED MOTION FOR A SIXTY-DAY STAY OF PROCEEDINGS" was served via facsimile and overnight mail, to counsel of record as follows:

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**Attorneys for Black & Decker Inc.,  
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Corporation and  
Delta International Machinery Corporation**



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Kevin H. Vanderleeden

UNITED STATES DISTRICT COURT  
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Rexon USA, Corporation

Defendant-in-Counterclaim.

**[PROPOSED] ORDER**

The parties have come before the Court with a Stipulated Motion for a Sixty-day Stay of Proceedings. By agreement of the parties, and for good cause shown, the Motion is GRANTED.

IT IS HEREBY ORDERED that the June 3, 2005 Scheduling Order be modified as follows:

1. Close of all non-expert discovery, including depositions shall be completed by May 16, 2006;

2. Counsel shall appear for a case management conference on: May 16, 2006 at 11:00 a.m.;
3. Reports from retained experts as required by Fed. R. Civ. P. 26(a)(2) shall be due from the party bearing the burden of proof by June 17, 2006, with reply reports due by July 15, 2006; and
4. All expert depositions shall be completed by September 14, 2006.

ENTERED:\_\_\_\_\_

\_\_\_\_\_  
United States District Judge